

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

AMERICAN AIRLINES, INC.,

§

Plaintiff,

§

v.

Civil Action No. 4:23-cv-00860-P

SKIPLAGGED, INC.,

§

Defendant.

§

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**DEFENDANT SKIPLAGGED, INC.’S EXHIBIT LIST**

Pursuant to the Court’s September 9, 2024 *Order* [Dkt. 269], Defendant, Skiplagged, Inc. (“Skiplagged”), hereby submits its *Exhibit List*, including the objections thereto of Plaintiff, American Airlines, Inc. (“AA”). This list is submitted without prejudice to Skiplagged’s right to amend same to the extent allowed by the Court and the law and based on the progress of the case at trial. Skiplagged further reserves the right to use any exhibit that AA designates or uses.

Dated: September 27, 2024

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**CERTIFICATE OF SERVICE**

On September 27, 2024, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the CM/ECF system which will send a notice of electronic filing to all counsel of record. I hereby certify that I have served all counsel of record electronically or by another manner authorized by FEDERAL RULE OF CIVIL PROCEDURE 5(b)(2).

/s/ William L. Kirkman

William L. Kirkman

Skiplagged Exhibit List

<b>EXHIBIT #</b>	<b>BATES</b>	<b>DESCRIPTION</b>	<b>OFFERED</b>	<b>ADMITTED</b>
<b>DX 1</b>	SKIP0000077	Skiplagged Website: What is Skiplagging or “hidden-city” flying?		
<b>DX 2</b>	SKIP0000073	Skiplagged Website: Can I check a bag if I book flights found on Skiplagged?		
<b>DX 3</b>	SKIP0000010-11	Skiplagged Website: Terms and Conditions		
<b>DX 4</b>	AA-SKP-00059659-00059676	MI:33 LitPak #230071 Incident ID: 017 EWR-DFW		
<b>DX 5</b>	AA-SKP-00058806-00058847	MI:33 LitPak #230056 Incident ID: 001 SLC-PDX		
<b>DX 6</b>	AA-SKP-00059376-00059405	MI:33 LitPak #230064 Incident ID: 009 ONT-RNO		
<b>DX 7</b>	AA-SKP-00005277-00005279	Email re: QIKFIX-LAST10-357732-09JUN09:14:04-FOR QIK CHK ON SABRE		
<b>DX 8</b>	AA-SKP-00005304-05	Email re: FW: ADP Withdrawal Request		
<b>DX 9</b>	AA-SKP-00010985-00010988	Email re: Skiplagged.com		

<b>DX 10</b>	AA-SKP-00062165-00062172	Email re: Skiplagged		
<b>DX 11</b>	AA-SKP-00052333-00052337	Email re: YUL and YTO agents short-checking bags		
<b>DX 12</b>	AA-SKP-00062732-00062734	AA Customer Complaint Record		
<b>DX 13</b>	AA-SKP-00063065-00063071	AA PNR History		
<b>DX 14</b>	AA-SKP-00053414-00053420	AA.com Site Usage		
<b>DX 15</b>	SKP00111207-00111225	Skyscanner Agreement		
<b>DX 16</b>	SKP00111101-00111110	Exploretrip, Inc. Agreement		
<b>DX 17</b>	SKP00111111-00111137	Kiwi Agreement		
<b>DX 18</b>	SKP00111138-00111144	LBF Travel, Inc. Agreement		
<b>DX 19</b>	SKP00111145-00111152	The Travel Outlet of Virginia Agreement		
<b>DX 20</b>	AA-SKP-00001360-362	Email re: Hidden City Party ID		
<b>DX 21</b>	AA-SKP-00050225	Powerpoint: Hidden City Busters		
<b>DX 22</b>	AA-SKP-00059827	Email re: Hidden City FYI & Question		

<b>DX 23</b>	SKIP0000629	Skiplagged 2019 Balance Sheet		
<b>DX 24</b>	SKIP0000630	Skiplagged 2020 Balance Sheet		
<b>DX 25</b>	SKIP0000631-632	Skiplagged 2021 Balance Sheet		
<b>DX 26</b>	SKIP0000633	Skiplagged 2022 Balance Sheet		
<b>DX 27</b>	SKP00111226	Skiplagged 2023 Balance Sheet		
<b>DX 28</b>	SKIP0000635	Skiplagged 2019 Profit and Loss Statement		
<b>DX 29</b>	SKIP0000636	Skiplagged 2020 Profit and Loss Statement		
<b>DX 30</b>	SKIP0000637	Skiplagged 2021 Profit and Loss Statement		
<b>DX 31</b>	SKIP0000638	Skiplagged 2022 Profit and Loss Statement		
<b>DX 32</b>	SKP00111227	Skiplagged 2023 Profit and Loss Statement		
<b>DX 33</b>	SKP00002672	Email re: I have used your service many times now and have e...		

<b>DX 34</b>	SKP00067993-67995	Email re: Skiplagged Monthly Supply Partner Report		
<b>DX 35</b>	SKP00111228-111231	Skiplagged Post-Flight Symbol Removal Data		
<b>DX 36</b>	AA-SKP-00089629-31	AA PNR Data with Customer Complaint		
<b>DX 37</b>	AA-SKP-00089364-67	AA PNR Data with Customer Complaint		
<b>DX 38</b>	AA-SKP-00088017-19	AA PNR Data with Customer Complaint		
<b>DX 39</b>	AA-SKP-00086661-62	Email re: Hidden City Itineraries and related website		
<b>DX 40</b>	AA-SKP-00010786-88	Email re: Skiplagged.com		
<b>DX 41</b>	AA-SKP-00005301	Email re: Google will no longer offer its flight price data to other sites		
<b>DX 42</b>	AA-SKP-00005560-61	Email re: Customer: Cierra Zacchaeus		
<b>DX 43</b>	AA-SKP00005713-18	Email re: Kayak Source		
<b>DX 44</b>	KIWI.COM_01741-1764	Kiwi Terms & Conditions		

<b>DX 45</b>	KIWI.COM_01765-1772	Kiwi Affiliate Program terms & conditions		
<b>DX 46</b>		MI33.co Pages		
<b>DX 47</b>	AA-SKP-00059916-59921	Email re: YUL and YTO agents short-checking bags		
<b>DX 48</b>	AA-SKP-00059822	Email re: Hidden City FYI & Question		
<b>DX 49</b>	John Depo Ex. 2 pg. 30-45	George John CV/Biography		
<b>DX 50</b>	Gutzler Depo Ex. 1 pg. 15-16	Gary Gutzler CV/Biography		
<b>DX 51</b>		August 21, 2024 Plaintiff's Second Amended Objections and Responses to Interrogatories 4, 9, 11 and Third Amended Objections and Responses to Interrogatories 17 and 24		
<b>DX 52</b>		June 21, 2024 Plaintiff's Amended Objections and Responses to Request for Production No. 103 and Interrogatories 16, 17, and 24		
<b>DX 53</b>		May 8, 2024 Plaintiff's Amended Objections and Answers to Skiplagged's Interrogatories		

<b>DX 54</b>		February 9, 2024 Plaintiff's Objections and Answer to Skiplagged's Interrogatories		
<b>DX 55</b>		June 25, 2024 Plaintiff's Amended Objections and Answer to Defendant's Second Requests for Admission		
<b>DX 56</b>		June 3, 2024 Plaintiff's Amended Objections and Response to Skiplagged's Second Set of Requests for Admission		
<b>DX 57</b>		May 8, 2024 Plaintiff's Amended Objections and Answer to Skiplagged's First Requests for Admissions		
<b>DX 58</b>		February 9, 2024 Plaintiff's Objections and Answer to Skiplagged's First Requests for Admissions		
<b>DX 59</b>	Fuller_006_Replacement			
<b>DX 60</b>	Fuller_007			
<b>DX 61</b>	Fuller_008			
<b>DX 62</b>	Fuller_009			
<b>DX 63</b>		Litigation Services Handbook, Chapters 4 and 19		

<b>DX 64</b>	SKP00111232-00111239	Skiplagged Post-Flight Symbol Removal Data		
<b>DX 65</b>		Screenshot 1 of Skiplagged Website Warnings		
<b>DX 66</b>		Screenshot 2 of Skiplagged Website Warnings		
<b>DX 67</b>	SKP00111240-111247	Skiplagged Post-Flight Symbol Removal Data		
	Demonstrative	Skiplagged's website warnings and disclosures		
	Demonstrative	Timeline		
	Demonstrative	Skiplagged website process		
	Demonstrative	Expert calculations and tables		
	Demonstrative	15 U.S.C. Section 1117(a)		
	Demonstrative	Copyright Act, Section 504(a) and 504(b)		
	Demonstrative	Gary Gutzler Tables		

### STATEMENT OF ADMISSIBILITY

The parties participated in a meet and confer regarding the exhibits set forth in Skiplagged's Exhibit List and agree that with the exception of the following exhibits, the parties agree to the admissibility of the exhibits listed.

Pursuant to the Court's September 27, 2023 *Scheduling Order*, Paragraph 8(c), and the Court's *Order* of September 9, 2024 [Dkt. 269], Plaintiff, American Airlines, Inc., objects to the admissibility of the following exhibits offered by Skiplagged:

<b>DEFS EX. #</b>	<b>BATES</b>	<b>DESCRIPTION</b>	<b>OBJECTION</b>
<b>DX 12</b>	AA-SKP-00062732-00062734	AA Customer Complaint Record	FRE 401 (Relevance); FRE 403 (Outweighed); FRE 801/802 (Hearsay)
<b>DX 35</b>	SKP00111228-111231	Skiplagged Post-Flight Symbol Removal Data	FRE 401 (Authentication and Relevance); FRE 602 (Foundation); FRE 403 (No Probative Value); FRE 801/802 (Hearsay); Fed. R. Civ. P. 26 (Not Disclosed in Discovery)
<b>DX 46</b>		MI33.co Pages	FRE 401 (Relevance); FRE 602 (Foundation); FRE 801/802 (Hearsay); FRE 901 (Authentication); Fed. R. Civ. P. 26 (Not Disclosed in Discovery)
<b>DX 64</b>	SKP00111232-00111239	Skiplagged Post-Flight Symbol Removal Data	FRE 401 (Authentication and Relevance); FRE 602 (Foundation); FRE 403 (No Probative Value); FRE 801/802 (Hearsay); Rule 26 (Not Disclosed in Discovery)
<b>DX 65</b>		Screenshot 1 of Skiplagged Website Warnings	FRE 106 (Incomplete Evidence); FRE 401 (Relevance); FRE 602 (Foundation); FRE 901

			(Authentication); Fed. R. Civ. P. 26 (Not Disclosed in Discovery)
<b>DX 66</b>		Screenshot 2 of Skiplagged Website Warnings	FRE 106 (Incomplete Evidence); FRE 401 (Relevance); FRE 602 (Foundation); FRE 901 (Authentication); Fed. R. Civ. P. 26 (Not Disclosed in Discovery)
<b>DX 67</b>	SKP00111240-111247	Skiplagged Post-Flight Symbol Removal Data	FRE 401 (Authentication and Relevance); FRE 602 (Foundation); FRE 403 (No Probative Value); FRE 801/802 (Hearsay); Rule 26 (Not Disclosed in Discovery)

/s/ Dee J. Kelly, Jr.  
Dee J. Kelly Jr.  
**Counsel for Plaintiff**

/s/ William L. Kirkman  
William Kirkman  
**Counsel for Defendant**